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opportunity has already been provided for the filing of such proposals. Further, although this Order affords Station KMMC an opportunity to object to the proposed channel change, it does not afford an additional opportunity to comment on the merits of the proposals set forth in the Notice/Show Cause Order or the proposal advanced in B.B.C. and Dockins' counterproposal. See Angola, Indiana, et al., 5 FCC Rcd 2000 (1990).

4. Channel 225A can be allotted to Salem, Missouri, in compliance with the Commission's minimum distance separation requirements at Station KMMC's presently licensed transmitter site.<sup>3</sup>

5. Accordingly, IT IS ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, Ultra-Sonic Broadcast Stations, Inc., licensee of Station KMMC, Salem, Missouri, SHALL SHOW CAUSE why its license SHOULD NOT BE MODIFIED to specify operation on Channel 225A as proposed herein instead of the present Channel 240A.

6. Pursuant to Section 1.87 of the Commission's Rules, Ultra-Sonic Broadcast Stations, Inc., may not later than November 24, 1997, file a written statement showing with particularity why its license should not be modified as proposed in the Order to Show Cause. The Commission may call on Ultra-Sonic Broadcast Stations, Inc. to furnish additional information. If Ultra-Sonic Broadcast Stations, Inc. raises a substantial and material question of fact, a hearing may be required to resolve such a question pursuant to Section 1.87. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, Ultra-Sonic Broadcast Stations, Inc. will be deemed to have consented to the modification as proposed in the Order to Show Cause and a final Order will be issued by the Commission, if the above-mentioned channel modification is ultimately found to be in the public interest.

7. IT IS FURTHER ORDERED, That the Secretary SHALL SEND BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, a copy of this Order to Show Cause to the licensee of Station KMMC as follows: Ultra-Sonic Broadcast Stations, Inc., P. O. Box 650, Salem, Missouri 65560.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. See Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, February 9, 1981.

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<sup>3</sup> The coordinates for Channel 225A at Salem, Missouri, are 37-38-01 and 91-32-05.

9. For further information concerning this proceeding contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. For purposes of this restricted notice and comment rule making proceeding, members of the public are advised that no ex parte presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision is no longer subject to reconsideration by the Commission or review by any court. An ex parte presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any new written information elicited from such a request or a summary of any new oral information shall be served by the person making the presentation upon other parties to the proceeding unless the Commission specifically waives this service requirement. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an ex parte presentation and shall not be considered in this proceeding.

## FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau